

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TONY NGUYEN,
 Plaintiff,

v.

ISLAMIC REPUBLIC OF IRAN, et al.,
 Defendants.

Case No. 2:21-cv-00134-GMN-NJK

ORDER

[Docket Nos. 94, 95]

Pending before the Court is Plaintiff's motion to seal a statement of damages. Docket No. 95; *see also* Docket No. 94 (statement of damages). The motion is properly resolved without a hearing. *See* LR 78-1.

Under the Court's Local Rules, "[a] party may not file supplemental pleadings, briefs, authorities, or evidence without leave of court granted for good cause." LR 7-2(g). Further, the Court has authority to strike an improper filing under its inherent power to control its docket. *See, e.g., Ready Transp., Inc. v. AAR Mfg., Inc.*, 627 F.3d 402, 404 (9th Cir. 2010).

Plaintiff asks the Court to seal a statement of damages he submitted under seal to this Court.¹ Docket No. 95. The statement of damages consists of a declaration signed by Dr. Hung Dinh Doan, which purportedly evaluates Plaintiff's medical conditions and costs. Docket No. 94 at 5–6. The statement of damages also includes a proof of service that purportedly confirms service of the statement upon the Law Offices of Andrew D. Weiss by email and mail.² *Id.* at 7.

The Court finds that Plaintiff's statement of damages is an improper filing. Plaintiff's statement of damages is not related to any pending motion, *see* Docket, and, in any event, Plaintiff

¹ Plaintiff improperly filed his motion to seal under seal.

² Plaintiff voluntarily dismissed the Law Offices of Andrew D. Weiss from this action. *See* Docket No. 29.

1 may not file supplemental evidence without the Court's leave. Further, Plaintiff submits that he
2 served the statement of damages on a third party. It is therefore unclear why the statement of
3 damages must be sealed. There is a strong presumption of public access to judicial records. *See*
4 *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006); *Foltz v. State Farm*
5 *Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1135 (9th Cir. 2003). A party seeking to file documents under
6 seal bears the burden of overcoming that presumption. *Pintos v. Pac. Creditors Ass'n*, 605 F.3d
7 665, 678 (9th Cir. 2010) (quoting *Kamakana*, 447 F.3d at 1178). Even if Plaintiff's statement of
8 damages were a proper filing, Plaintiff's motion to seal fails to overcome the strong presumption
9 of public access to judicial records.

10 Accordingly, the Clerk's Office is hereby **INSTRUCTED** to strike Plaintiff's statement of
11 damages at Docket No. 94. Plaintiff's motion to seal, Docket No. 95, is hereby **DENIED** as moot.

12 IT IS SO ORDERED.

13 Dated: July 26, 2021

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16 Nancy J. Koppe
17 United States Magistrate Judge
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